

**SUPREME COURT MINUTES
TUESDAY, NOVEMBER 3, 2009
SAN FRANCISCO, CALIFORNIA**

S156933**E.J. ON H.C.**

Request for extended media coverage granted

The request for extended media coverage (still camera photography), filed by the Associated Press on November 2, 2009, is granted subject to the conditions set forth in rule 1.150, California Rules of Court.

S175461

B212880 Second Appellate District, Div. 5

**PEOPLE v. HADDAD
(OUSAMA SAADEH)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 7, 2009.

S175698

B207042 Second Appellate District, Div. 1

**PEOPLE v. LIZARRAGA
(GUSTAVO)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 8, 2009.

S175738

E045986 Fourth Appellate District, Div. 2

**PEOPLE v. MARKHAM
(RODERICK)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 9, 2009.

S175765

D050764 Fourth Appellate District, Div. 1

**PEOPLE v. ONTIVEROS
(FRANKLIN)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 8, 2009.

S175912

D049013 Fourth Appellate District, Div. 2

LATSCHA (JAMES) ON H.C.

The time for granting or denying review in the above-entitled matter is hereby extended to November 25, 2009.

S176008 D053608 Fourth Appellate District, Div. 1 **PEOPLE v. LAVALLEY
(YUKI)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 1, 2009.

S176017 A120983 First Appellate District, Div. 4 **PEOPLE v. THOMAS
(JOHNNY C.)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 2, 2009.

S176035 C057665 Third Appellate District **PEOPLE v. NICHOLS (DAVID
ALLEN)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 8, 2009.

S176039 A117122 First Appellate District, Div. 2 **PEOPLE v. PRATCHER
(DARREN RAY)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 3, 2009.

S176047 B209743 Second Appellate District, Div. 6 **PEOPLE v. BROWN II
(LEWIS WARRON)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 3, 2009.

S176049 C059314 Third Appellate District **PEOPLE v. BROWN (ORIONE
C.)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 3, 2009.

S176050 B206571 Second Appellate District, Div. 5 **PEOPLE v. NELSON
(GORDON)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 3, 2009.

S176068 A125576 First Appellate District, Div. 2 **WHITMILL (JASON
BRADLEY) v. S.C (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to
December 3, 2009.

S176098 B207040 Second Appellate District, Div. 8 **PEOPLE v. HENDERSON
(JEROME)**

The time for granting or denying review in the above-entitled matter is hereby extended to
December 9, 2009.

S176132 E046956 Fourth Appellate District, Div. 2 **PEOPLE v. ACOSTA
(ROBERT RALPH)**

The time for granting or denying review in the above-entitled matter is hereby extended to
December 8, 2009.

S176143 B203628 Second Appellate District, Div. 6 **PEOPLE v. ARANA (PEDRO)**

The time for granting or denying review in the above-entitled matter is hereby extended to
December 8, 2009.

S176145 B210479 Second Appellate District, Div. 5 **PEOPLE v. MAZZARELLA
(JAYSON DEVON)**

The time for granting or denying review in the above-entitled matter is hereby extended to
December 8, 2009.

S176152 B218090 Second Appellate District, Div. 4 **U.E. v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to
December 8, 2009.

S176155 B204404 Second Appellate District, Div. 8 **IN RE L.L.**

The time for granting or denying review in the above-entitled matter is hereby extended to
December 8, 2009.

S176171 B208748 Second Appellate District, Div. 6 **KLING (RANDOLPH
CLIFTON) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to
December 9, 2009.

S176177 D052554 Fourth Appellate District, Div. 1 **PEOPLE v. PARIS (MICHAEL ANDREW)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 7, 2009.

S176183 H032914 Sixth Appellate District **PEOPLE v. BRYAN (LARRY EUGENE)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 9, 2009.

S176188 E046225 Fourth Appellate District, Div. 2 **PEOPLE v. TAYLOR (TANYA FELICIA)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 9, 2009.

S176201 E048783 Fourth Appellate District, Div. 2 **CHAVEZ (ELOY CASTRO) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 9, 2009.

S176206 B207994 Second Appellate District, Div. 2 **PEOPLE v. BLAKELY (KEVIN LEE)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 9, 2009.

S176207 C062703 Third Appellate District **ZMRZEL (ROBERT JOSEPH) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to December 7, 2009.

S033901 **PEOPLE v. THOMPSON (CATHERINE)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Gail R. Weinheimer's representation that she anticipates filing the appellant's reply brief by March 15, 2010, counsel's request for an extension of time in which to file that brief is granted to January 4, 2010. After that date, only two further extensions totaling about 75 additional days are contemplated.

S035190**PEOPLE v. HOUSTON (ERIC CHRISTOPHER)**

Extension of time granted

Good cause appearing, and based upon counsel David H. Schwartz's representation that he anticipates filing the appellant's reply brief by January 28, 2010, counsel's request for an extension of time in which to file that brief is granted to December 29, 2009. After that date, only one further extension totaling about 30 additional days is contemplated.

S043520**PEOPLE v. POWELL (CARL DEVON)**

Extension of time granted

Good cause appearing, and based upon counsel Neoma Kenwood's representation that she anticipates filing the appellant's opening brief by March 14, 2010, counsel's request for an extension of time in which to file that brief is granted to January 4, 2010. After that date, only two further extensions totaling about 75 additional days are contemplated.

S077524**PEOPLE v. SALAZAR (MAGDALENO)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing the appellant's opening brief by June 30, 2010, counsel's request for an extension of time in which to file that brief is granted to January 4, 2010. After that date, only three further extensions totaling about 180 additional days are contemplated.

S079925**PEOPLE v. MORA (JOSEPH ADAM) & RANGEL (RUBEN)**

Extension of time granted

Good cause appearing, and based upon counsel Tara K. Hoveland's representation that she anticipates filing appellant Ruben Rangel's opening brief by March 25, 2010, counsel's request for an extension of time in which to file that brief is granted to January 4, 2010. After that date, only two further extensions totaling about 80 additional days are contemplated.

S099770**PEOPLE v. COOPER (LEON CHAUNCEY)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Karen Hamilton's representation that she anticipates filing the appellant's opening brief by March 1, 2010, counsel's request for an extension of time in which to file that brief is granted to January 4, 2010. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S102166

**PEOPLE v. SIMON
(RICHARD NATHAN)**

Extension of time granted

Good cause appearing, and based upon counsel Kimberly J. Grove's representation that she anticipates filing the appellant's opening brief by January 4, 2010, counsel's request for an extension of time in which to file that brief is granted to January 4, 2010. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S104144

**PEOPLE v. PEREZ, JR.,
(JOSEPH ANDREW)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 8, 2010.

S112691

**PEOPLE v. WESTERFIELD
(DAVID ALAN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to December 29, 2009.

S139789

**HARRIS (MAURICE
LYDELL) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Rama R. Maline's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by January 28, 2010, counsel's request for an extension of time in which to file that document is granted to December 29, 2009. After that date, only one further extension totaling about 30 additional days is contemplated.

S140140**ELLIOT (MICHAEL LEE) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Stephanie A. Mitchell's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by January 26, 2010, counsel's request for an extension of time in which to file that document is granted to December 28, 2009. After that date, only one further extension totaling about 30 additional days is contemplated.

S172831**RAMIREZ (FRANCISCO
RAMON) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to the informal response is extended to November 17, 2009.

S174507 B201035 Second Appellate District, Div. 3**ARDON (ESTUARDO) v.
CITY OF LOS ANGELES**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to December 24, 2009.

On application of appellant and good cause appearing, it is also ordered that the time to serve and file the reply brief on the merits is extended to February 9, 2010.

S175275**ABEL (JOHN CLYDE) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General James D. Dutton's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by August 6, 2010, counsel's request for an extension of time in which to file that document is granted to January 8, 2010. After that date, only four further extensions totaling about 210 additional days are contemplated.

S175821**WEBER ON DISCIPLINE**

Recommended discipline imposed

The court orders that MATTHEW B. WEBER, State Bar Number 202719, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. MATTHEW B. WEBER is suspended from the practice of law for a minimum of the first year of probation, and he will remain suspended until the following requirement is satisfied:

- i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. MATTHEW B. WEBER must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed April 7, 2008; and
3. At the expiration of the period of probation, if MATTHEW B. WEBER has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S176239**BARTLEY ON DISCIPLINE**

Recommended discipline imposed

The court orders that DANIEL ROBERT BARTLEY, State Bar Number 79586, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. DANIEL ROBERT BARTLEY is suspended from the practice of law for the first 60 days of probation;
2. DANIEL ROBERT BARTLEY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 19, 2009; and
3. At the expiration of the period of probation, if DANIEL ROBERT BARTLEY has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

DANIEL ROBERT BARTLEY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S176240**ABRAMS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that GARY R. ABRAMS, State Bar Number 160545, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

GARY R. ABRAMS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days,

respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S176241**PERKINS ON DISCIPLINE**

Recommended discipline imposed

The court orders that LOUIS J. PERKINS, State Bar Number 140056, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, subject to the following conditions:

1. LOUIS J. PERKINS is suspended from the practice of law for a minimum of one year, and he will remain suspended until the following requirements are satisfied:
 - i. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar. LOUIS J. PERKINS must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension; and
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding conditions, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

LOUIS J. PERKINS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

LOUIS J. PERKINS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S176243**WONG ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RICHARD WONG, State Bar Number 192970, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RICHARD WONG must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S176247**MURPHY ON DISCIPLINE**

Recommended discipline imposed

The court orders that TAMELA J. MURPHY, State Bar Number 190107, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. TAMELA J. MURPHY is suspended from the practice of law for the first 90 days of probation;
2. TAMELA J. MURPHY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 16, 2009; and
3. At the expiration of the period of probation, if TAMELA J. MURPHY has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

TAMELA J. MURPHY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for the years 2010 and 2011. If TAMELA J. MURPHY fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S176249**BECKER ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEPHEN CORBIN BECKER, State Bar Number 42701, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. STEPHEN CORBIN BECKER is suspended from the practice of law for the first 90 days of probation;
2. STEPHEN CORBIN BECKER must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 17, 2009; and
3. At the expiration of the period of probation, if STEPHEN CORBIN BECKER has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

STEPHEN CORBIN BECKER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

STEPHEN CORBIN BECKER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S176250**SMITH ON DISCIPLINE**

Recommended discipline imposed

The court orders that JON MICHAEL SMITH, State Bar Number 166458, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JON MICHAEL SMITH is suspended from the practice of law for the first 90 days of probation;
2. JON MICHAEL SMITH must make restitution to Kara Hughes in the amount of \$32.68 plus 10 percent per year from July 20, 2004, and must furnish satisfactory proof to the State Bar's Office of Probation within 90 days of the effective date of this order;
3. JON MICHAEL SMITH must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on May 21, 2009; and
4. At the expiration of the period of probation, if JON MICHAEL SMITH has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JON MICHAEL SMITH must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

JON MICHAEL SMITH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S176252**NEMIROFF ON DISCIPLINE**

Recommended discipline imposed

The court orders that WARREN NEIL NEMIROFF, State Bar Number 62262, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. WARREN NEIL NEMIROFF is suspended from the practice of law for the first 30 days of probation;
2. WARREN NEIL NEMIROFF must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 16, 2009; and
3. At the expiration of the period of probation, if WARREN NEIL NEMIROFF has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

WARREN NEIL NEMIROFF must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**SUPREME COURT MINUTES
TUESDAY, NOVEMBER 3, 2009
HISTORIC SPECIAL SESSION—BERKELEY**

The Supreme Court of California convened for hearing at its Special Session at The University of Berkeley, School of Law, Boalt Hall, Booth Auditorium, Berkeley, California, on Tuesday, November 3, 2009, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan.

Officers present: Frederick K. Ohlrich, Clerk, and Jeffrey Whaley, Assistant Calendar Coordinator.

S158528

The People, Plaintiff and Respondent,
v.
Paul Eugene Robinson, Defendant and Appellant.

Cause called. Cara DeVito, Court-appointed Counsel, argued for Appellant.
Enid A. Camps, Office of the Attorney General, argued for Respondent.

Ms. DeVito replied.
Cause submitted.

S164830

The People, Plaintiff and Respondent,
v.
Patrick K. Kelly, Defendant and Appellant.

In re Patrick K. Kelly on Habeas Corpus.

Cause called. Michael R. Johnsen, Office of the Attorney General, argued for Respondent.
Gerald F. Uelmen, Court-appointed Counsel, argued for Appellant.
Mr. Johnsen replied.
Cause submitted.

Court recessed until 1:30 p.m. on this date.

Court reconvened pursuant to recess.

Members of the court and officers present as first shown.

S156933 (S157631,
S157633, and S157634
consolidated cases)

In re E.J. et al., on Habeas Corpus.
Cause called. Ernest Galvan argued for Petitioners.
Kenneth C. Mennemeier argued for Respondent.

Mr. Galvan replied.
Cause submitted.

S162823

The People, Plaintiff and Respondent,
v.
Richard McKee, Defendant and Appellant.

Cause called. Stephen Hinkle, Court-appointed Counsel, argued for Appellant.
Bradley Weinreb, Office of the Attorney General, argued for Respondent.

Mr. Hinkle replied.
Cause submitted.

S163453

The People, Plaintiff and Respondent,
v.
Tony Lessie, Defendant and Appellant.

Cause called. Elisa Brandes, Court-appointed Counsel, argued for Appellant.
Rourke F. Stacy, Office of the Public Defender, argued for Amici Curiae Los Angeles County Public Defender et al.
Jennifer A. Jadovitz, Office of the Attorney General, argued for Respondent.

Ms. Brandes replied.
Cause submitted.

Court adjourned.